

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Days Inns Worldwide, Inc., formerly
known as Days Inns of America, Inc.,
a Delaware Corporation,

Plaintiff,

vs.

JBS Inc., II, a South Carolina
Corporation; Jonathan B. Smith, an
individual; and Marci Singleton Smith,
an individual,

Defendants.

Civil Action No.: 4:08-cv-1771-TLW-TER

ORDER

The plaintiff, Days Inns Worldwide, Inc. (“plaintiff”), filed this civil action in the United States District Court for the Southern District of New York. (Doc. #1). In an Order dated April 25, 2008, the United States District Court for the Southern District of New York transferred the case to this Court. (Doc. # 1). On February 19, 2010, this Court signed an Order striking the answer of defendant JBS Inc., II and entering default against JBS Inc., II. (Doc. # 59). On July 8, 2010, this Court signed an Order, which struck the answers of Jonathan B. Smith and Marci Singleton Smith and entered default against them. (Doc. # 66). On September 17, 2010, the plaintiff filed a motion for a hearing to determine damages. (Doc. # 70). The motion was referred to United States Magistrate Judge Thomas E. Rogers, III pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2), DSC. On February 1, 2011, the Magistrate Judge held a hearing in which he granted the motion for a hearing to determine damages. (Entry # 81). Prior to the hearing,

defendants JBS Inc., II and Jonathan B. Smith entered a stipulation of judgment in the amount of \$150,000. (Doc. # 80).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. # 84). On February 7, 2011, the Magistrate Judge issued the Report. In the Report, the Magistrate Judge recommends that default judgment be entered against defendant Marci Singleton Smith in the amount of \$127,792.02. (Doc. # 84). None of the parties filed objections to the report. Objections were due on February 25, 2011.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge’s Report and Recommendation. It is hereby **ORDERED** that the Magistrate Judge’s Report is **ACCEPTED**. (Doc. # 84). For the reasons articulated by the Magistrate Judge, default judgment is entered against defendant Marci Singleton Smith in the amount of \$127,792.02.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

March 31, 2011
Florence, South Carolina